



CITY OF SUNNYVALE REPORT Planning Commission

February 14, 2005

SUBJECT: 2004-0444-Review Sign Regulations for Auto Dealers and Large Retailers

REPORT IN BRIEF

On January 29, 2004, a Mayor's committee was formed to consider ways to strengthen new-car auto dealers in Sunnyvale by identifying concerns these businesses had and recommending corrective action. Based on the conversations with the auto dealers, the committee members made several recommendations (Attachment A). One of the recommendations was to evaluate revisions to the sign code for auto dealers. The Council accepted these recommendations and directed staff to begin a study issue regarding sign regulations. In fall of 2004, this study issue was expanded to include large retailers.

At the start of the study process, staff identified three primary goals.

1. Meet the auto dealers' and large retailers' need for adequate signage to support their businesses and remain competitive with other auto rows and stores in the region.
2. Simplify code requirements where possible and establish new regulations that are easy to understand and implement.
3. Preserve the "boulevard" streetscape of El Camino Real.

Staff met several times with the auto dealers to hear their comments and concerns about signage. Staff also discussed signage limitations with large retailers, residents and the Chamber of Commerce at a meeting held in City Hall.

After those discussions, staff surveyed existing signage for auto dealers and several large retailers along El Camino Real to determine whether businesses were taking advantage of all the possible signage granted to them by the code, and if not, why not (Attachment B). Based on those discussions, the following constraints were identified.

1. Maximum wall sign size is too restrictive for large buildings

2. Copy height/logo height limitations are too stringent for larger buildings. The definition of “logo” is outdated and does not consider businesses with an integrated name and logo into one distinctive graphic.
3. Maximum ground sign height and area is too low and small to be adequately seen along El Camino Real.
4. Temporary sign regulations do not allow enough time to display signage or provide enough flexibility for short-term events.
5. Address numbers on ground signs are hard to see and not consistently placed.

Staff conducted a variety of research on this study issue. This research included a review of neighboring city regulations, professional planning publications, Federal and State legal restrictions and City policy and history regarding El Camino Real public improvements, including sidewalk width, street trees and median landscaping. Staff also solicited feedback from auto dealers, large retailers, sign design companies and residents.

Staff recommends modifying the sign code to:

- Simplify the ratio that determines wall sign area by the length of the building frontage with 0.66 sq. ft. of area for every one linear foot of building frontage, regardless of length, with a larger bonus for major tenants.
- Increase copy height limitations for buildings set closer than 70 ft. to the property line and eliminate any copy height limitation for buildings set back greater than 70 ft.
- Redefine logos to include integration of the business name. Eliminate logo height maximums for major tenants.
- Increase ground sign height from 10 ft. to 15 ft. for properties in the Precise Plan for El Camino Real.
- Increase the available sign size by 10 sq. ft. for all properties within the Precise Plan, and a 10 additional sq. ft. for all multi-tenant ground signs in the City.
- Prohibit large inflatable objects (not including balloons) except in the case of the grand opening of a business. In this case, do not allow the object for more than 16 consecutive days. Increase the number of days that a temporary banner for permanent unenclosed uses (such as auto dealers, nurseries, etc.) may be displayed from 60 days (6.5 9-day events per year) to 80 days (9 9-day events) per year.

BACKGROUND

On January 29, 2004, a Mayor’s committee was formed with two Council members and one Planning Commissioner. The Mayor’s committee was tasked with looking into how the City could partner with the new-car auto dealers to strengthen their businesses. The Mayor’s committee was also asked to identify

concerns new-car auto dealers had and recommend actions the City could take to address those concerns. Based on the conversations with the auto dealers, the committee members made several recommendations (Attachment A). One of the recommendations was to evaluate revisions to the sign code for auto dealers. The Council accepted these recommendations. On May 4, 2004, the Council reordered the study issue priorities and directed staff to begin a study of the sign code. In fall of 2004, based on concerns expressed by several large retailers that were looking to locate in the City, the study issue was revised to include sign requirements for large retailers as well as auto dealers.

In September 2004, the City Council approved reestablishing the Auto Dealer Decorative Banner Program (RTC 04-333). This program allows new-car auto dealers to place coordinating decorative banners on private light posts along El Camino Real to draw attention to the businesses and emphasize the “auto row” aspect of El Camino Real in Sunnyvale.

EXISTING POLICY

Land Use and Transportation Element *Policy N1.3* – Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

Land Use and Transportation Element *Goal C4* – Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.

Community Design Sub-element *Goal A* - Promote Sunnyvale’s image by maintaining, enhancing and creating physical features which distinguish Sunnyvale from surrounding communities and by preserving historic buildings, special districts and residential neighborhoods which make the City unique.

Community Design Sub-element *Goal B* - Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

The Precise Plan for El Camino Real *Vision for El Camino Real (excerpt)* – A strong vision for El Camino provides a context for uses and development. The entire length of the street will be attractively landscaped within medians and along the street frontages of private property.

DISCUSSION

Goals of the Study: At the start of the study process, staff identified three primary goals. These goals were based on goals and policies in General Plan Elements, Sub-Elements, and Precise Plans, as well as past practice in amending the Sunnyvale Municipal Code.

1. **Meet the autodealers' and large retailers' need for adequate signage to support their business and remain competitive with other auto rows and stores in the region.** Assist the autodealers and other large retailers in remaining competitive with similar stores in neighboring jurisdictions. Look for ways within the current sign code to allow more visibility.
2. **Simplify code requirements where possible and establish new regulations that are easy to understand and implement.** Reduce complexity in the sign code by minimizing "special case" situations and categories. Maintain the current code's prohibition on signage Variances for anything beyond height. Use straightforward language that is simple for the public, sign companies, businesses and staff to understand and implement.
3. **Preserve the "boulevard" streetscape of El Camino Real.** Keep visual clutter and extraneous signage to a minimum. Maintain a signage system that does not interfere with the landscaping, street trees, and other visual amenities of El Camino Real.

Current Sign Code: The following is a general summary of the current sign code. Please refer to Sunnyvale Municipal Code Chapter 19.44 for detailed requirements.

The current sign code is divided into three sets of requirements: one for nonresidential uses in a nonresidential zoning district, one for nonresidential uses in a residential zoning district and a third set of requirements for all residential uses. With this current organization, commercial uses along El Camino Real have the same signage allowances as commercial and industrial uses throughout the City.

There are two types of permanent signs: ground signs and wall signs. Number and type of signs are dependent on the number of businesses and street frontages on the property. Businesses that are larger than 10,000 sq. ft. are allowed at least one ground sign in addition to a wall sign. Sites with more than one business may have wall signs for each tenant plus at least one ground sign. The height of a ground sign is limited to 10 ft. as measured from the top of curb, and the area of the sign is dependant on the setback from the property line.

Wall sign requirements are slightly more complicated. Maximum wall sign area increases with the length of the building or tenant frontage. Copy height maximums (height of lettering/logos within a sign) increase the farther the building is set back from the front property line. Logos are defined as graphics

that do not include any lettering or script. Logo heights are regulated for multi-tenant buildings, but not for single-tenant properties.

Temporary signs (banners, balloons, pennants, etc.) are permitted for non-residential uses. These temporary signs have restrictions on the type of signage (A-frame and moving signs are prohibited), the number of signs permitted, where they can be displayed, and the length of time displayed. As a general rule, up to two banners may be posted for a maximum of 30 consecutive days, not to exceed 60 days per calendar year. Banners require a free permit from the Director of Community Development. Balloons below a certain size may be displayed on weekends without a permit. Currently, Planning staff allows large inflatable objects (bounce houses, inflatable gorillas, etc.) on an individual basis with a permit from the Director of Community Development.

Sign Design Criteria: In the Sunnyvale Municipal Code Section 19.44.110(d) there is a list of four design criteria that staff uses to review sign applications and make decisions about the aesthetics of a sign design.

- 1) Each sign shall express the originality, aesthetic qualities, and message content requested by the applicant.
- 2) Each sign shall manifest balanced scale and proportions in its design and in its visual relationship to nearby buildings, its site, and other visible signs, and surrounding land uses.
- 3) Each sign shall complement the architecture of the building with which it is principally associated, by incorporating the materials, colors and shapes thereof. In addition, each sign shall display restrained and harmonious colors, type, styles and lighting, and shall be constructed of durable materials.
- 4) Each sign shall be compatible with the general appearance of other signs visible from its site, and shall not compete for attention in a manner taking advantage of extreme, disharmonious or clashing colors, shape, location or materials.

Concerns with the Current Sign Code: Staff worked with businesses to identify all of the concerns with the current sign code. Staff reviewed the information in the Mayor's Committee's report to Council and met with the auto dealers to hear their comments and concerns about signage. Staff also discussed signage limitations with several large retailers that were interested in locating in Sunnyvale.

After those discussions, staff surveyed existing signage for autodealers and several large retailers along El Camino Real to determine whether businesses were taking advantage of all the possible signage granted to them by the code,

and if not, why not (Attachment B). To verify this information staff reviewed all recent sign permits for auto dealers and large retailers.

Based on that information, the following five issues were identified as the main constraints towards obtaining signage desired by autodealers, large retailers and the public.

1. **Maximum Wall Sign Size** is too restrictive for large buildings
2. **Copy Height/Logo Height Limitations** are too stringent for larger buildings and businesses with an integrated name and logo into one distinctive graphic.
3. **Maximum Ground Sign Height and Area** is too low and small to be adequately seen along El Camino Real.
4. **Temporary Sign Regulations** do not allow enough time to display signage or provide enough flexibility for short-term events.
5. **Address Numbers** on ground signs are hard to see and not consistently placed.

Size of Wall Sign: Several large retailers had indicated concern with how restrictive the current sign code is for buildings set back a distance exceeding 70 ft. from the street. As the length of tenant frontage increased, the ratio of allowable sign area/linear ft. of building frontage decreased. For example, buildings or tenant frontages of 50 ft. or less in length receive 0.66 sq. ft. of sign area for 1 linear foot. Buildings greater than 200 ft. in length receive only 0.40 sq. ft. of sign area for 1 linear foot. Several businesses believed that under current sign code requirements larger buildings with taller parapets have disproportionately small signs (see Attachment C, Example of Large Retailer Signs).

Copy Height/Logo Height Limitations: Staff found, and businesses had noted, that the copy height and logo restrictions were in some cases the limiting factor for wall sign area. For example, a business with a short name, such as Longs, may be allowed 100 sq. ft. of sign area, but only 2.5 ft. of copy height. Because of this limitation, they may have a much smaller overall sign than a business with a longer name, such as Smart and Final. Staff also noticed that many current businesses integrate their business name with a distinguishing graphic or logo, such as Best Buy and Circuit City. The current definition of logo does not reflect this common integration of text and graphics, and logo height limitations may also further limit how the business name is displayed.

Height and Area of Ground Sign: As in the rest of the City, all ground signs along El Camino Real are limited to a maximum height of 10 ft. Several businesses expressed concern that with on-street parking, bus shelters, and other obstructions, a 10 ft. high sign was difficult to see. Autodealers suggested

that the much taller signs allowed along Stevens Creek Boulevard and Capitol Expressway Auto Row aided visibility and marketing of those businesses. Several autodealers with existing nonconforming signs higher than 10 ft. indicated reluctance to upgrade their sign as they did not wish to lose the current height. Several auto dealers had expressed concern with the limited sign size and their need to advertise multiple franchises (such as Pontiac and GMC) on one sign.

Temporary Sign Regulations: Primarily, auto dealers have expressed concern with the limitations of temporary signs. Currently, the code allows a maximum of 60 days per year for temporary signs such as banners. Auto dealers have indicated that they have at minimum one week-long (9 days including two weekends) event per month, for a total of 108 days per year, nearly twice what is currently permitted. Dealers have also expressed interest in having longer-term decorative or advertising banners on interior light poles. These types of on-site light pole banners are currently prohibited.

Address Numbers on Ground Signs: Several residents and the Sunnyvale Chamber of Commerce have commented that address numbers on ground signs are important for locating businesses and are very difficult to see in many cases. Current code requires all new ground signs to have address letters a minimum of 4 inches high, but there is no standard regarding its placement in relation to the curb and street visibility.

Research Conducted: Staff conducted a variety of research on this study issue. This research included a review of neighboring city regulations, professional planning publications, Federal and State legal restrictions and City policy and history regarding El Camino Real public improvements, including sidewalk width, street trees and median landscaping.

Neighboring City Regulations: Staff found that in a survey of seven nearby South Bay cities, Sunnyvale had overall the most restrictive sign code both in terms of amount of signage and ground sign height (see Attachment D, Survey of Surrounding Cities). Many cities, specifically Santa Clara and San Jose containing Stevens Creek Auto Row and Capitol Expressway Auto Row, have signage regulations that typically allow large tall signs (150-200 sq. ft., 20-35 ft. tall), set back a significant distance from the property line (20 ft. minimum). This type of signage style is very different from what Sunnyvale's code allows, which is shorter smaller signs set close to the property line for maximum visibility. Staff photographed Stevens Creek and Capitol Expressway auto rows, and notes that the taller larger signs are visible from far distances when there is limited landscaping (see Attachment E, Photos) Staff also notes a substantial amount of temporary signage on the sites.

Planning Publications and Research: In 1996, the United States Sign Council (USSC) began research into the legibility and traffic safety issues with signs across different road conditions. The USSC worked with traffic engineers and statistical analysts to publish research studies that attempt to quantify a legibility quotient for signs. This research was incorporated into a “Street Graphics” system promoted by the American Planning Association (APA) in helping communities formulate appropriate sign ordinances. In August 2004, the APA released an updated edition of *Street Graphics and the Law*, a summary of the United States Sign Council research, free speech implications of sign regulations, and sample code language. Staff referred to this document for guidance on appropriate sign heights for different conditions. This document was originally funded by the U.S. Department of Housing and Urban Development, and received an award for improving the visual quality of signage in the environment.

This report recommends a 7 ft. minimum height for legible copy on a multi-lane road. This recommendation is based on the idea that with multiple lanes, there may be further distance from the vehicle to the actual sign, and that cars in other lanes may be blocking potential view of that sign. For copy to be legible in this environment, it should not be lower than 7 ft. As part of that recommendation, they suggest no square footage assessment below 7 ft. to encourage a monument-style design where possible.

A second recommendation of the report is that, to promote legibility of signs, cities should set appropriate limits to the amount of signage to avoid clutter. Appropriate sign legibility allows enough visible signage to signal to a driver the business location and give appropriate time to read, react, and maneuver the vehicle to an entrance safely. More signage is not necessarily better. Research has shown that there are a maximum number of “messages” a driver can absorb in a given period of time at a certain speed. If an environment becomes overloaded with graphic display, the cumulative effect is negative, and the viewer actually sees less, not more. In addition, too much signage can have a negative effect on the aesthetics of a street and the overall perceived quality of a community.

Legal Restrictions and Free Speech Issues: Commercial signage is considered a free speech issue and is protected under the First Amendment. As such, there are limits to what a city can and cannot regulate in relationship to signs. In general, cities can legally limit location, size and other elements of sign display based on aesthetic criteria. Requirements based on characteristics of certain uses or locations may be used to regulate sign display. However, they cannot contain content-based sign definitions. For example, a city regulation should be based on categories of use (such as permanent outdoor uses) vs. specific types of uses (such as new car autodealers). Regulations should not allow only

new car autodealers larger signs, as that would be favoring auto dealer “speech” over other commercial “speech”.

El Camino Real Improvements in Sunnyvale: The City has a long history of making substantial improvements to El Camino Real. El Camino Real is a State Highway with limited local control. Landscaping in the right-of-way has been approved for City management. Approximately 25 years ago the City began a program to improve the landscaping and plant street trees down the length of this state highway. The current specified street tree of Autumn Purple Ash was chosen specifically for its height (80 ft.), broad canopy proportional to the width of the street, and foliage which starts approximately 15 ft. above the ground. This foliage height is in conformance with the California Department of Transportation standards for 14.75 ft. of vertical clearance along the shoulders of state highways. Staff believes that the combination of median landscaping, prominent street trees and balanced commercial environment make the Sunnyvale section of El Camino Real one of the most attractive segments in the South Bay.

Outreach: Staff met with several interested groups regarding the potential changes. First, staff met with the auto dealers several times to discuss the changes they (as a group) wanted. The auto dealers felt that sign codes in neighboring cities were more favorable towards auto dealers than Sunnyvale’s sign code. The changes recommended by the auto dealers ranged from taller ground signs to larger wall signs to more directional signs. Second, staff met with interested citizens, developers, large retailers, sign company representatives, Chamber representatives and auto dealers to discuss staff’s preliminary recommendations. That discussion included residents’ concerns about increased height of signs and unsightly temporary signs, their desire for more visible and easy-to-read signs, large retailers’ interest in allowing larger wall signs, and auto dealers’ desire for competitiveness with other auto rows in the South Bay (see Attachment F, Summaries of Meetings).

At the Planning Commission Study Session on January 24, 2005, the Commissioners expressed concern with allowing a large bonus for major tenants, and suggested creating a flexible ratio of additional signage that could apply to all businesses, regardless of size. They also expressed concerns with making sure the modifications to the sign code do not conflict with future modifications to the Precise Plan for El Camino Real.

FISCAL IMPACT

The purpose of signage is for essential business identification, and not primarily for advertisement or marketing. Adequate signage also assists the public in finding the services they are looking for. There could be some positive fiscal benefit towards assisting businesses in meeting their signage needs as

high sales enhance sales tax revenues to the City. Approximately 22% of the City's General Fund is from sales tax; auto dealers contribute about 17% of the total sales tax revenue.

CONCLUSION

In summary, staff has made the following findings regarding the Sunnyvale Sign Ordinance and associated research and public outreach.

- There are five major concerns with the current sign code: size of wall sign, copy height/logo height limitations, height and area of ground signs, restrictive temporary sign regulations and adequate address number visibility.
- A survey of seven neighboring cities reveals that the City of Sunnyvale has the most restrictive sign code in terms of total sign area, copy height limits and maximum ground sign height.
- Research done by the United States Sign Council indicates that for ground signs to be visible from a highway such as El Camino Real, copy height should be no lower than 7 ft. from the ground.
- Further research indicates that there is some benefit to restricting amounts of signage both to preserve community character and promote legibility of signs. Too much signage reduces the effectiveness of signage.
- Signage qualifies as free speech under the first amendment. As such, limits can be imposed based on location, size and other elements of signage but regulations cannot be content-based (dependent on the message on the sign, i.e. auto dealer business names versus grocery store names).
- The El Camino Real has a long history in Sunnyvale as being both an important commercial corridor and a boulevard that represents the character of Sunnyvale. It is a priority to preserve amenities such as landscaping, street trees, and other public features along El Camino Real.
- Public outreach indicates that some residents have concerns about increased height of signs and unsightly temporary signs and some residents are in favor of larger signs. Large retailers' main concern is obtaining larger wall signs and auto dealers desire for code regulations that make them more competitive with other auto rows in the South Bay.

PUBLIC CONTACT

Staff had several meetings with different business representatives and citizens, as described in the Outreach section of the staff report. In addition to these meetings, staff published an informational article in the Quarterly Report to solicit additional opinions. Staff received three phone calls, one which expressed concern with allowing larger signs, one with the visibility of street address number sizes and the last supporting an increase in size. One email

was received from a resident as well as two letters from larger retailers (See Attachment G, Letters from the Public).

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • Mailed to the business representatives and residents who have expressed an interest in this study. 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

ALTERNATIVES

1. Adopt the ordinance as recommended by staff in Attachment H.
2. Direct staff to prepare a modified ordinance and return to Council for approval.
3. Do not take any action at this time.

RECOMMENDATION

Staff recommends Alternative 1.

Staff has a series of recommendations to address all five of the major concerns with the current sign code. These revisions attempt to preserve the boulevard appeal of El Camino Real while addressing the need for more flexible signage and assist Sunnyvale businesses in remaining competitive with other regions and successful overall. To develop these requirements, staff relied on the research described in the "Discussion" section and the feedback received from public outreach. Staff applied these recommendations to different businesses and properties in the City to see how they would affect sign size (See Attachment I, Test Cases).

Maximum Wall Sign Size – Simplify the ratio that determines wall sign area by the length of the building frontage with 0.66 sq. ft. of area for every one linear foot of building frontage, regardless of length. Allow a 50 sq. ft. bonus for businesses exceeding 10,000 sq. ft. of floor area, with a maximum sign area, not to exceed 250 sq. ft. This change would apply to all commercial wall signs in non-residential zoning districts in Sunnyvale.

Staff Comment: This recommendation achieves two things: simplifying the calculation of wall sign area and increasing the amount of wall sign area for larger businesses. This ratio will allow larger signs which are more proportional

to the building and allow bonus square footage for larger tenants, regardless of setback from the street.

Copy Height/Logo Height Limitations – Increase copy height limitations for buildings set closer than 70 ft. to the property line. Eliminate any copy height limitation for buildings set back greater than 70 ft. Redefine logos to include integration of the business name. Eliminate logo height maximums for major tenants. This change would apply to all commercial wall signs in non-residential zoning districts in Sunnyvale.

Staff Comment: This recommendation maintains smaller copy heights for smaller businesses and businesses that are set closer to the street. It allows larger signs for major tenants and a more flexible logo definition that will give businesses more options in how they present their business name on the building. This change would be applied city-wide.

Maximum Ground Sign Height and Area – Increase ground sign height from 10 ft. to 15 ft. for properties in the Precise Plan for El Camino Real only. This increase in ground sign height would only affect signs placed along El Camino Real. Increase the available sign size by 10 sq. ft. for all properties within the Precise Plan, and a 10 additional sq. ft. for all multi-tenant ground signs in the City.

Staff Comment: This recommendation is in keeping with the recommendations of technical research and allows businesses along El Camino Real slightly greater visibility due to the wider, faster street. The increased sign area allows multiple franchises or businesses a small amount of additional area to display multiple logos and business names.

Temporary Sign Regulations – Prohibit large inflatable objects except in the case of the grand opening of a business. In this case do not allow the object for more than 16 consecutive days. Increase the number of days that a temporary banner for permanent unenclosed uses (such as auto dealers, nurseries, etc.) may be displayed from 60 days (6.5 9-day events per year) to 80 days (9 9-day events) per year.

Staff Comment: This recommendation reduces the more potentially unattractive signage of inflatable objects while giving businesses a short-term option to attract attention to a new opening of a business. This recommendation also recognizes that unenclosed uses do not have the flexibility to advertise special events that enclosed stores may have, and provides additional days of temporary signage that is a moderate increase over what is currently allowed.

Address Number Placement – Increase the minimum height of address numbers from four inches to six inches and require placement of these numbers at the top of the sign. This will address the visibility issue by providing larger numbers in a more visible location that will not be blocked by landscaping or trees. These regulations would only apply to new ground signs or a remodel of an existing sign.

Reviewed by:

Trudi Ryan, Planning Officer
Prepared by: Diana O'Dell, Senior Planner

Reviewed by:

Robert Paternoster, Director, Community Development Department

Approved by:

Amy Chan
City Manager

Attachments

- A. Mayor's Subcommittee Report on Auto Dealers
- B. Survey of Existing Signage for several Auto Dealers along El Camino Real
- C. Example of Large Retailer Signs
- D. Survey of Surrounding Cities' Regulations
- E. Photos of Stevens Creek and Capitol Expressway Auto Rows
- F. Summary of Meetings with Auto Dealers, Businesses and the Public
- G. Letters from the Public
- H. Draft Ordinance with Proposed Changes to Chapter 19.44 of the Sunnyvale Municipal Code
- I. Test Cases of How Staff Recommendation would Affect Sign Size